

BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town of Brookline

Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2015-0066
OWNER: TOWN OF BROOKLINE

Petitioner, the Town of Brookline, represented by Dr. Joseph Connelly, acting School Superintendent for the Public Schools of Brookline, applied to the Building Commissioner for permission to demolish two wings of the existing school building and construct new additions at the Devotion School, 345 Harvard Street. The application was denied and an appeal was taken to this Board.

The Board administratively determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals, and fixed January 7, 2016 at 7:10 p.m. in the Town Hall as the time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board, and to all others required by law. Notice of the hearing was published on December 24, 2015 and December 31, 2015 in the Brookline TAB, a newspaper published in Brookline. A copy of said notice is as follows.

Notice of Hearing

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

345 HARVARD ST – DEMOLISH TWO WINGS OF SCHOOL BUILDING (EDWARD DEVOTION SCHOOL) AND CONSTRUCT ADDITIONS WITH ASSOCIATED SITE WORK in a T-5, Two-Family and Attached Single-Family, residential district, on January 7, 2016, at 7:10 PM in Town Hall Room 103 (Petitioner/Owner: TOWN OF BROOKLINE EDWARD DEVOTION SCHOOL) *Precinct 8*

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

1. Section 5.08.2: Exceptions to Dimensional Requirements for Uses 9 and 10
2. Section 5.09.2.a, i and m: Design Review
3. Section 5.30: Maximum Height of Buildings (see 5.08)
4. Section 5.31.1: Exceptions to Height of Building (see 5.08)
5. Section 5.43: Exceptions to Yard and Setback Regulations
6. Section 5.50: Front Yard Requirements (see 5.08)
7. Section 5.51: Projection into Front Yards (see 5.08)
8. Section 5.70: Rear Yard Requirements (see 5.08)
9. Section 5.74: Fences and Terraces in Rear Yards (see 5.08)
10. Section 6.02.1: Table of Off-Street Parking Space Requirements
11. Section 6.02.4.c: Off-Street Parking Space Regulations
12. Section 6.04.12: Design of Off-Street Parking Facilities
13. Section 6.06.7: Off-Street Loading Regulations
14. Section 8.02.2: Alteration or Extension
15. Any Additional Relief the Board May Find Necessary

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: www.brooklinema.gov.

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in Town programs and services may make their needs known to **Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2328; TDD (617)-730-2327; or email at rsneirson@brooklinema.gov.***

*Jesse Geller, Chair
Christopher Hussey
Jonathan Book*

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Chairman Johanna Schneider and Board Members Chris Hussey and Avi

Liss. Associate Town Counsel for the Town of Brookline, John Buchheit, presented the project and detailed the relief requested on the Town's behalf.

Mr. Buchheit said the Town of Brookline wishes to demolish the 1954 and 1974 wings of the school, and then construct two new classroom wings as well as an addition that wraps around the back of the original 1913 school building. The additions would add 178,535 s.f. of floor area, for a total school building area of 234,833 s.f., which includes 30,676 s.f. of garage space.

Ms. Buchheit detailed the extensive public process and numerous community meetings that had taken place during the process of designing the proposed school. The required relief was discussed and Mr. Buchheit said if the Board sees an issue with the requested special permit relief, the Town was prepared to make the argument for the use of the Dover Amendment according to MGL 40 Section 3. Dr. Joseph Connelly presented a Powerpoint addressing the rise in enrollment and the necessity for a new building.

Pip Lewis, of HFMH, project architect, was introduced to present the details and design of the proposal. Mr. Lewis said the new classroom wings would be two to three stories tall and extend out from the 1913 school building towards Harvard Street. The Devotion House would not be altered or moved, and the new wings would extend to either side of the historic structure. Due to the drop in grade from Harvard Street towards the playing field area, the wings are two stories closest to Harvard Street and increase to three stories at the playing field elevation. The rear addition facing the playing field, consisting of a cafeteria, gym, library and multi-purpose room space, would be four stories tall in some places. In all instances, the 1913 school building will continue to be the highest building, and the central cupola should be visible from both the front and back of the building. The exterior of the additions would be finished mainly in brick,

with copper or copper-colored paneling as an accent feature, primarily on the playfield façade. The building's four stair towers are distinguished from the rest of the building with a patterning of small windows. New ramps in front of the 1913 school would provide accessibility for the front entrance. The entrance that a majority of children and parents will use most often will be located on Stedman Street.

He went on to say the school's existing garage will be demolished, and a new two-level garage will be constructed with space for 65 vehicles, 28 in the upper garage and accessed by a sliding gate, and 38 in the lower parking level accessed by an overhead garage door. Two loading bays will also be located in the lower garage along with a number of bicycle parking areas. Both of the parking levels will be accessed from Stedman Street. The turnaround drive in front of the school would remain, and 6 parking spaces would be located there, including one dedicated to the Devotion House. Stedman Street will continue to be the primary drop-off and pick-up location for the school, and the street will be slightly widened to allow for a better pull-off area to avoid blocking traffic on Stedman Street.

Mr. Lewis addressed the landscaping as follows He said improvements to the site are extensive. Although the existing playground, located next to Harvard Street and the abutting commercial building, will be removed, a small play area with playground equipment will be constructed in a similar location at the end of the southern wing close to Harvard Street. The landscaping around the Devotion House is intended to remain in place. A walking path leading from Harvard Street on the southern side of the building will allow people to access the rear play areas and playing fields, passing next to a new school garden with several raised beds, perennials and shrubs. At the rear of the building there will be a paved turnaround to allow for fire access; this turnaround will be painted with hopscotch, four square and "maze" markings and will be

incorporated into the rest of the play areas. Three distinct playground areas for pre-K, lower elementary and upper elementary will be located in this rear area, along with a new rain garden and boardwalk, tree stump slope, and lawn. Finally, further back will be a new soccer field, water play area, and basketball courts. New retaining walls and fencing are planned to ensure accessibility to the play areas and safety.

Board Chairman Schneider called for public comment in favor of, or in opposition to, the Petitioner's proposal.

Board of Selectmen Member Nancy Daly stated that she was a member of the Devotion School Committee. Ms. Daly stated that traffic generation is also a factor that restricts overall building size, particularly in this dense neighborhood. Ms. Daly confirmed that traffic evaluation indicates that significant challenges arise if the school starts to serve greater than 1,000 students. Ms. Daly also stated that more students would also reduce the effectiveness of the provided recreation space. Ms. Daly concluded her comments by stating that the design is also intended to be respectful of abutting residents and the historic character of the school building

No members of the public spoke in opposition of the proposal.

Ms. Schneider requested that Senior Planner, Lara Curtis Hayes, review the findings of the Planning Board.

FINDINGS

Section 5.08.2 – Exceptions to Dimensional Requirements for Uses 9 and 10: The Board of Appeals may issue a special permit to allow for modifications to the dimensional requirements specified in *Article 5* as applied to *Uses 9 and 10* to the extent necessary to allow for reasonable development in general harmony with other uses permitted and as regulated in the vicinity. Educational uses are listed as *Use 10* in the Zoning By-law's Table of Uses, *Section 4.07*.

Section 5.09.2.a, i and m – Design Review: Any new structure that fronts on Harvard Street, or new exterior addition to any non-residential use in a residential district with more than 5,000 s.f. of gross floor area or 10 or more parking spaces, or any substantially complete demolition of a principal structure in the Coolidge Corner Design Overlay District, requires a *special permit* subject to the design review standards listed under *Section 5.09.4(a-l)*. All of the conditions have been met, and the most relevant sections of the design review standards are described below:

a. Preservation of Trees and Landscape – The landscaping changes to the property are extensive, and a number of trees along the sides and rear of the property will be removed, including one public shade tree. Most of the trees at the front of the property along Harvard Street and near the Devotion House will be protected and retained, helping preserve the historic landscape around the Devotion House. The landscaping improvements are extensive, and although a number of trees will be removed, new trees are planned and the proposed landscaping is significant.

b. Relation of Buildings to Environment – Much of the development will occur where the 1954 and 1974 school wings are already located. The design locates the building's highest points close to the playing fields and away from the closest neighbors, located to the south of the school, and shadow impacts on neighboring residences are not expected to be extensive.

c. Relation of Buildings to the Form of the Streetscape and Neighborhood – The facades and massing of the proposed school have been designed to relate to the 1913 school structure, the Devotion House, and the closest commercial and residential buildings that have frontage on Babcock Street, which are two- to three-stories tall.

d. Open Space – The open space features of the project are extensive, with accessible walking paths, gardens, and playgrounds that are attractive and interesting. The landscaping and play areas of the proposal should contribute significantly to the overall appearance of the site.

e. Circulation – Nearly all parking will be provided within a parking garage, accessed from two points on Stedman Street. Six spaces will be provided in the Harvard Street driveway for mid-day pickup of students and for the Devotion House residents. The loading area will be reconfigured and located inside the garage, which is an improvement from the existing outdoor and awkward loading space. The parking garage has been designed for easy maneuvering with standard-sized or greater parking spaces. On-site bicycle parking is planned near all of the building's entrances, including bicycle-parking areas in the garage, and showers for staff will be available. The area of Stedman Street closest to the school will be widened to allow for a better drop-off and pick-up area that should not block the flow of through traffic. The school expects to maintain the current neighborhood parking permit plan of 65 parking permits.

f. Stormwater Drainage – The development team will work with the Town's Engineering Division to ensure all stormwater issues are addressed on site. The project has both a rain garden and a rain barrel as landscape features that will help educate students about the importance of reusing rainwater and reducing stormwater runoff.

g. Utility Service – Utilities will be underground from the public way to the new building additions. A new transformer is proposed for the far rear corner of the building, with a brick retaining wall screen.

i. Special Features – There are no exposed storage areas, machinery or loading areas; all loading will occur within the garage and all other utilities will be screened or enclosed.

j. Safety and Security – The building has been designed with input from the Town’s emergency personnel, and the project should have sufficient access for fire apparatus. Although the site will have ample landscaping, the play areas and other regions of the site are open, visible and safe.

k. Heritage – The project has a significant historical aspect: retaining the original 1913 school building rather than demolishing it and constructing an entirely new building. The facades of the new additions have been designed to relate to the 1913 building and Devotion House; the fenestration pattern on the courtyard elevations are more traditional than those on the Stedman or Babcock-facing elevations. Additionally, the ridge of the 1913 building will continue to be the school’s highest point, and the cupola should be visible from both the front and rear of the building.

l. Microclimate – By locating nearly all HVAC and utility equipment inside the building or within the enclosed mechanical penthouse, the project substantially limits any noise impacts from mechanicals on surrounding properties. The screened cooling tower is located away from the edges of the building so as to limit its impact on and visibility from neighboring properties. The project is not expected to have an adverse impact on the environment’s light, air or water resources or on noise and temperature levels.

m. Energy Efficiency – The building will be certified LEED Silver and is designed for a high level of energy efficiency. An effort has been made to ensure a majority of the building roof is free of mechanicals or other structures that could inhibit the installation of solar, which the Town is currently pursuing separately.

Section 5.30 – Maximum Height of Buildings

Section 5.31 – Exceptions to Maximum Height Regulations

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.50 – Front Yard Requirements: The property has two front yards, along Harvard Street and along Stedman Street. The infringement into the front yard setback is along Stedman Street.

Section 5.51 – Projections into Front Yards

Section 5.70 – Rear Yard Requirements: The property's rear yard runs along the southeastern line of the property, including the play areas and new soccer field.

Section 5.74 – Fences and Terraces in Rear Yards

Dimensional Requirements	Required	Existing	Proposed	Relief
Maximum Height	35'	Ridge of existing school (to remain): 58'6"	Central building (to remain): 58'6"	Special Permit*
			Addition: 53'9"	
			Cooling Tower Screen: 55'5"	
Front Yard Setback	25'	15'6" (est.)	Ground story: 20'1"	Special Permit*
			Overhang: 15'11"	
Rear Yard	40'	47' (est.)	23'2"	Special Permit*

Fence/Wall Height	7' maximum	N/A	4' fence with 8' sports netting	Special Permit*
			12'9" transformer screening wall	
			12' soccer backboard	

* Under **Section 5.08.2**, the Board of Appeals may waive the dimensional requirements of **Article 5** by special permit for educational uses (Use 10). **Section 5.43** also allows for a special permit for yard and setback requirements if counterbalancing amenities are provided, and **Section 5.74** allows for a special permit for higher fences and walls when needed for safety or to mitigate detrimental impacts.

Section 6.02.1 – Table of Off-Street Parking Space Requirements

Section 6.02.4.c – Off-Street Parking Space Regulations

Section 6.04.12 – Design of Off-Street Parking Facilities

Section 6.06.7 – Off-Street Loading Requirements

Parking	Required	Existing	Proposed	Relief
Parking Spaces	<u>52 additional</u> (1/3 rd of 1 space per 450 s.f.)	64 spaces total (55 in garage, 9 in driveway)	<u>7 additional</u> 71 spaces total (65 in garage; 6 in driveway)	Special Permit**
Maneuvering Aisle	22'-23'	N/A	21'	Special Permit***†

Loading Spaces	4	1 outdoor space	2 indoor spaces	Special Permit**†‡
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** Under *Section 6.02.4.c*, the Board of Appeals may modify by special permit the parking requirements in *Article 6* as applied to educational uses (*Use 10*) to the extent necessary to allow reasonable development of the use in general harmony with other uses permitted and as regulated in the vicinity.

† Under *Section 6.04.12*, the Board of Appeals may by special permit grant relief from the dimensional requirements of *Section 6.04* when new parking facilities are being installed to serve existing structures and land uses.

‡ Under *Section 6.06.7*, the Board of Appeals may by special permit reduce the required number of loading bays where the adequacy of the reduced number can be demonstrated based on the proposed use, hours of operation, and delivery service requirements.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a pre-existing non-conforming structure or use.

Lara Curtis Hayes said the Planning Board is supportive of the proposed additions and improvements to the Edward Devotion School, and recognizes that the proposal has had significant input from a number of residents and committees throughout a long development process that is continuing.

By retaining the 1913 school building, and not altering the location of the Devotion House, the project underscores the importance of historic preservation to the community and contributes significantly to its overall design. The project balances the desire to have a school

building whose design is lasting yet still playful, reflecting its use by and for children. The design of the classroom wings facing the Devotion House are restrained, while the Stedman and Babcock-facing elevations are more modern. The playfield façade is also attractive, and incorporates significant copper elements to reference the 1913 school building's cupola, which should be visible from both the front and rear of the building. Since the project retains the 1913 school and the Devotion House in their original locations, the development is restricted on where it can be located on the site; the setback relief requested is appropriate, and any impacts can be limited through landscaping and design. Although the building exceeds the zoning district's height limit, the new additions will be lower in height than the 1913 school building, and they are not expected to have shadow impacts on neighboring residences.

The landscape improvements are also significant, making use of all areas of the site and incorporating elements such as a rain garden, downed logs, and tree stumps to bring natural features to what are relatively urban school grounds. The new playgrounds and playing fields will be an amenity to the school and neighborhood; the proposed fencing and netting are necessary for safety and should also be granted relief.

Finally, regarding parking and circulation, the new development will improve the existing condition: creating a better drop-off / pick-up area; creating covered bicycle parking for school employees; moving all loading operations inside the garage; and slightly increasing the total number of parking spaces on site. The Planning Board encourages the School Department to develop a Transportation Demand Management (TDM) plan to manage and/or reduce the amount of parking needed for this school, separately or in conjunction with a possible Town-wide TDM plan for employees, as well as consider shared parking for the garage during off hours.

Therefore, the Planning Board recommends approval of the plans by HMFH Architects, dated 11/20/2015, and those revised 12/8/2015, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations, indicating all dimensions and materials, subject to the review and approval of the Planning Board.
2. Prior to the issuance of a building permit, the applicant shall submit a final site plan showing all setbacks, parking and driveway areas, subject to the review and approval of the Planning Board.
3. Prior to the issuance of a building permit, the applicant shall submit a final landscape plan indicating all walls, fencing, planting types and sizes, lighting, paving and other hardscape materials, subject to the review and approval of the Planning Board.
4. Prior to the issuance of a building permit for demolition, the applicant shall submit a construction management plan, indicating the location of trailers, dumpsters, portable toilets, and parking for construction vehicles, and including details about rodent control methods, deliveries of materials, work hours, and contact information, subject to the review and approval of the Director of Engineering/Transportation and the Building Commissioner, with a copy submitted to the Department of Planning & Community Development.
5. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Ms. Schneider called upon Michael Yanovitch, Deputy Building Commissioner to deliver the comments of the Building Department. Mr. Yanovitch said the Building Department does not have any objection. He said the amount of relief required is minor considering the scale of the project. He also said he believes the use is protected under MGL 40A Section 3, however given that the Town does not have a site plan review process, the process undertaken by the Town as set forth in the By-Law takes the place of the site plan review process. Mr. Yanovitch said, if the Board finds the proposal meets the requirements for the grant of the special permits requested, the Building Department will work with the petitioner to ensure compliance.

The Board deliberated on the merits of special permit relief as requested. Board Member Hussey agreed that the relief requested by the Petitioner is modest when considering the size and scope of the school building. Mr. Hussey commended the architects for an appropriate design that meets the needs of the growing student population while also minimizing non-compliance with the Zoning By-Law. Board Member Liss also commended the School Department for achieving design goals while also generating consensus amongst various stakeholders. Mr. Liss did not feel that Dover Amendment standards are required because the standards for special permit relief under By-Law Sections 9.05, 5.09, 5.43, 6.02, and 6.06 are satisfied.

Board Chair Schneider concurred with previous Board Member statements. Ms. Schneider commended the Petitioner for engaging in a thorough and transparent planning process for this project. Ms. Schneider also agreed that the conditions of By-Law Sections **5.08.2** and **6.02.4 c (educational uses)** are applicable and that the standards for the grant of a special permit are met

in accordance with By-Law **Section 9.05**. Ms. Schneider also supported the application of Dover Amendment standards but agreed that the Petitioner's decision to seek special permit relief results in a more complete and transparent design review process.

The Board then voted unanimously that the requirements have been met for the issuance of a special permit under Sections 5.08.2, 5.09.2, 5.43, 6.02.4.c, 6.04.12, 6.06.7 and 9.05 of the Zoning By-Law, granting relief from the provisions of Sections 5.30, 5.31, 5.50, 5.51, 5.70, 5.74, 6.02.1, 6.02.4.c, 6.04.12, 6.06.7, and 8.02.2 of the Zoning By-Law. The Board made the following specific findings pursuant to Section 9.05 of the Zoning By-Law:

- The specific site is an appropriate location for such a use, structure, or condition.
- The use as developed will not adversely affect the neighborhood.
- There will be no nuisance or serious hazard to vehicles or pedestrians.
- Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people

In addition, the Board made the specific finding that under Sections 5.08.2 and 6.02.4.c of the Zoning By-Law, modification to the requirements of Articles V and VI should be granted by Special Permit because the proposal is an education use and is a reasonable development in general harmony with other uses as permitted and as regulated in the vicinity.

Accordingly, the Board voted unanimously to grant special permit relief, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations, indicating all dimensions and materials, subject to the review and approval of the Planning Board.

2. Prior to the issuance of a building permit, the applicant shall submit a final site plan showing all setbacks, parking and driveway areas, subject to the review and approval of the Planning Board.
3. Prior to the issuance of a building permit, the applicant shall submit a final landscape plan indicating all walls, fencing, planting types and sizes, lighting, paving and other hardscape materials, subject to the review and approval of the Planning Board.
4. Prior to the issuance of a building permit for demolition, the applicant shall submit a construction management plan, indicating the location of trailers, dumpsters, portable toilets, and parking for construction vehicles, and including details about rodent control methods, deliveries of materials, work hours, and contact information, subject to the review and approval of the Director of Engineering/Transportation and the Building Commissioner, with a copy submitted to the Department of Planning & Community Development.

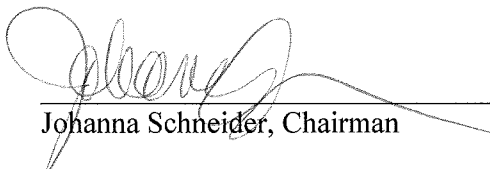
Unanimous decision of the
Board of Appeals

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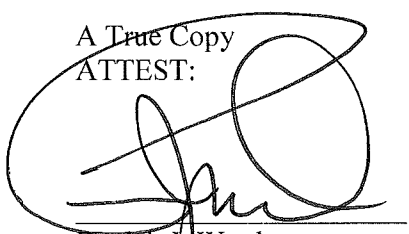
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Filing Date:

2/17/16


Johanna Schneider, Chairman

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals